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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 26 September 2005 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 22 July 2005, containing the comments of the Committee on the first report of the Republic of Korea on the implementation of Security Council resolution 1540 (2004), I have the honour to transmit herewith a supplementary report from the Government of the Republic of Korea in response to the request of the Committee (see annex).

(*Signed*) **Choi** Young-jin
Permanent Representative
Republic of Korea

05-54232 (E) 241005

Annex to the letter dated 26 September 2005 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c)and OP 10

State: Republic of Korea

Date of Report: 27 October 2004

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?	YES	If YES, indicate relevant infromation (i.e signing, accession, ratificatio, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD			
2 General statement on commitment to disarmament and non-proliferation			
3 General statement on non-provision of WM	X	Does not and will not provide any form of support to non-State actors	page 2 of the report
4 Biological Weapons Convention (BWC)	X	In force 25 June 1987	pages 7 to 9 of the report
5 Chemical Weapons Convention (CWC)	X	In force 28 April 1997	pages 7 to 9 of the report
6 Nuclear Non-Proliferation Treaty (NPT)	X	In force 23 April 1975	pages 7 to 8 of the report
7 Comprehensive Nuclear Test Ban (CTBT)	X	Ratified 24 September 1999	page 8 of the report
8 Conventions on Physical Protection of Nuclear Material (CPPNM)	X	In force 08 February 1987	http://.iaea.org/Publications/Documents/Conventions/cpp
9 Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	http://minbuza.nl/default.asp?CMS_ITEM=868DD6DAE6BE4DF2ABABD1FE0A25AB3CX3X456X99

10 Geneva Protocol of 1925	X	Deposit 04 January 1989	http://disarmament.un.org:8080/TreatyStatus.nsf
11 International Atomic Energy Agency (IAEA	X	Joined 8 August 1957	pages 7 and 9 of the report
12 Nuclear Weapons Free Zone/ Protocol(s)			
13 Other Conventions/Treaties			
14 Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Zangger Committee (ZC) 3. Autralia Group (AG) 4. Wassenaar Arrangement (WA) 5. Missile Techology Control Regime (MTCR)	pages 5 and 6 of the report
15 Other			

OP 2 – Biolobical Weapons(BW)

Republic of Korea

State:
Date of Report: 27 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1 manufacture / produce					
2 acquire				(Deleted)	(Deleted)
3 posses					
4 stockpile/ store					
5 develop					
6 transport					
7 transfer					
8 use			X	Criminal Code	page 3 of the report
9 participate as an accomplice in a.m. activities			X	Criminal Code	page 3 of the report
10 assist in a.m. activities			X	Criminal Code	page 3 of the report
11 finance a.m. activities	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	

12 a.m. activities related to means of delivery		(Deleted)		(Deleted)	A new legislation of Specific Chemicals for the Prohibition of Chemical Weapons will cover the a.m. activities related to means of delivery.
13 Involvement of non-State actors in a.m. activities			x	Criminal Code	page 3 of the report
14 Others		The ROK is taking steps to establish a legal framework to specifically prohibit the production,acquisition, possession, stockpile, development, transfer and transport of BW through the revision of the Act on the Control of the Production, Export, Import, etc.			• ROK is planning to amend "Foreign Trade Act" and replace "Act on Special Measures for Defense Industry" with "Act on Defense Acquisition Program" by Jan 2006.

OP 2 – Chemical Weapons (CW)

State: Republic of Korea

Date of Report: 27-Oct-04

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1 manufacture / produce	X	Act on the Control of the Production, Export, Import, etc. of Specific Chemicals for the Prohibition of Chemical Weapons (ACSC)	X	• ACSC : This applies to 1~10 with the exception of 2 and 6 Maximum penalty : life sentence	http://152.99.45.21/lawdb/menu/kor/
2 acquire				(Deleted)	(Deleted)
3 possess	X	ACSC	X	Maximum penalty : life sentence	page 3
4 stockpile/ store	X	ACSC	X	Maximum penalty : life sentence	page 3
5 develop	X	ACSC	X	Maximum penalty : life sentence	page 3
6 transport				(Deleted)	(Deleted)
7 transfer	X	ACSC	X	Maximum penalty : life sentence	page 3
8 use	X	ACSC	X	Maximum penalty : death penalty	page 3
9 participate as an accomplice in a.m. activities	X	ACSC	X	Maximum penalty : life sentence	page 3
10 assist in a.m. activities	X	ACSC	X	Maximum penalty : life sentence	page 3
11 finance a.m. activities	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	page 3

12 a.m. activities related to means of delivery	(Deleted)	(Deleted)			A new legislation will cover a.m. activities related to means of delivery -Delivery systems for military use are covered by the Act on Special Measures for Defense Ind...
13 involvement of non-State actors in a.m. activities				(Deleted)	
14 Others		(Deleted)			• ROK is planning to amend "Foreign Trade Act" and replace "Act on Special Measures for Defense Industry" with "Act on Defense Acquisition Program" by Jan 2006.

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OP 2 – Nuclear Weapons (NW)

Republic of Korea

State:
Date of Report: 27 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1 manufacture / produce	X	Firearms, Knives, and Explosives Control Act (FKECA) ** Applicable to 1 ~ 8	X	All activities listed in 1~8 can be penalized by applying: Atomic Energy Act, Act for the Physical Protection and Radiological Emergency, Criminal Code, FKECA, etc.	
2 acquire	X	FKECA	X		
3 possess	X	FKECA	X		
4 stockpile/ store	X	FKECA	X		
5 develop	X	FKECA	X		
6 transport	X	FKECA	X		

7 transfer	X	FKECA	X		
8 use	X	FKECA	X		page 3 of the report
9 participate as an accomplice in a.m. activities			X	Criminal Code	
10 assist in a.m. activities			X	Criminal Code	
11 finance a.m. activities	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Act	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Act	
12 a.m. activities related to means of delivery	X	Act on Special Measures for Defense Industry	X	Criminal Code	A new legislation will cover a.m. activities related to means of delivery -Delivery systems for military use are covered by the Act on Special Measures for Defense Industry.
13 involvement of non-State actors in a.m. activities	X	Act on Special Measures for Defense Industry	X	Criminal Code	page 3 of the report
14 Others		1. ROK is planning more stringent restrictions on the assisting and financing of proliferation activities. 2. All munitions or military items are regulated by the Act on Special Measures for Defense Industry, and delivery systems are also regulated by this Act.		• Although there is no national legislation which directly regulates NW, all activities listed from 1 to 13 can be penalized with existing laws.	• ROK is planning to amend "Foreign Trade Act" and replace "Act on Special Measures for Defense Industry" with "Act on Defense Acquisition Program" by Jan 2006.

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Op 3 (a) and (b) – Account for/Secure/Physically protect BW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Are any of the following measures, procedures of legislation in place to account for, secure or otherwise protect BW and Related sterials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indica... ource document	
1 Measures to account for production					
2 Measures to account for use					
3 Measures to account for storage					
4 Measures to account for transport					
5 Other measures for accounting	x	The Act on the Prevention of Contagious Diseases (APCD)	x	The Ministry of Health and Welfare(MOHW)'s Ordinance No. 2001-25 sets guideline on separation, storage, transportation, etc. of contagious pathogens	The APCD requires reporting if pathogens of contagious diseases separated.
6 Measures to secure production					
7 Measures to secure use	(Deleted)	(Deleted)			(Deleted)
8 Measures to secure storage	(Deleted)	(Deleted)			(Deleted)

9 Measures to secure transport					
10 Other measures for securing					The Korean Center for Disease Control advises entities which reported the separation of a contagious pathogen on the safety management and storage of the pathogen.
11 Regulations for physical protection of facilities, materials,transports	(Deleted)	(Deleted)			Physical protections can be provided to facilities, materials and transports for military purposes under the Act on the Management of Military Supplies and ASMDI if it is related to military items.
12 Licensing/registration of facilities/persons handling biological materials	x	1. Pharmaceutical Affairs Act (PAA)	x	The Korea Food & Drug Administration has the licensing authority under the PAA and its Enforcement Regulation. - Regulations on Management of Manufacturing and Sale of Biological Preparations.	
13 Reliability check of personnel					
14 Measures to account for/secure/ physically protect means of delivery	X	Act on the Management of Military Supplies (AMMS)		The heads of the national defense agencies and the Chiefs of Staff of each Service shall manage the munitions that are under their control (Article 6)	page 5

15 Regulations for genetic engineering work		Act on the transborder movement of LMO (not yet entry into force)		Ministry of Health and Welfare Notification No. 1997-22 lays out guidelines for research involving recombinant guidelines.	
16 Other legislation/ regulations related to safety and security of biological materials	X				
17 Other		The ROK government will strengthen the current regulation on safety and security of biological materials through the revision of APCD. Furthermore, enhanced regulative measures such as mandatory reporting and regular inspection of manufacturing and production facilities of biological weapon-related materials			page 5

OP 3 (a) and (b) – Acoount for/Secure/Physically protect CW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Are any of the following measures, procedures of legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Measures to account for production	X	Act on the Control of the Production, Export, Import, etc. of Specific Chemicals for the Prohibition of Chemical Weapons (ACSC)	X	Presidential Decree of the ACSC - annual report of production, consumption, processing of Scheduled Chemicals - administrative supervision such as inspection, inventory check etc. - record-keeping for 5 years	
2 Measures to account for use	X	ACSC	X	see above	
3 Measures to account for storage	X	ACSC	X	see above	
4 Measures to account for transport	X	ACSC	X	see above	
5 Other measures for accounting	x	Toxic Chemicals Control Act	x	report production and import of toxic chemicals	
6 Measures to secure production	X	ACSC	X	Maximum penalty : 7 years imprisonment	

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7 Measures to secure use	X	ACSC	X	Maximum penalty : 8 years imprisonment	page 4 of the report
8 Measures to secure storage	X	ACSC	X	Maximum penalty : 9 years imprisonment	
9 Measures to secure transport					
10 Other measures for securing	x	Dangerous Materials Control Act	x	safety standard, reliability check of personnel, inspection	
11 Regulations for physical protection of facilities, materials, transports	X	Act on the Management of Military Supplies (AMMS)	X	Presidential Decree of the AMMS	page 5 of the report
12 Licensing of chemical installations /entities/use of materials	X	Chemical included in CWC Schedule 1	X	Presidential Decree of the ACSC	page 4 of the report
13 Reliability check of personnel	X	Chemical included in CWC Schedule 1	X	Presidential Decree of the ACSC	
14 Measures to account for/secure/ physically protect means of delivery	X	AMMS	X	Presidential Decree of the AMMS	page 5 of the report
15 National CWC authority	X	Ministry of Foreign Affairs and Trade			
16 Reporing Schedule I , II and III chemicals to OPCW	X	Reporting requirements for all chemicals included in CWC Schedules	X	Presidential Decree of the ACSC	page 4 of the report
17 Account for, secure of physically protect old chemical weapons					
18 Other legislation/ regulations controlling chemical materials	X	Toxic Chemicals Control Act	X		
19 Other					

OP 3 (a) and (b) – Account for/Secure/Physically protect NW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Are any of the following measures, procedures of legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others	Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Measures to account for production	X	1.Atomic Energy Act and its 2. Act for the Physical Protection and Radiological Emergency / Enforcement Decree / Enforcement Regulation 3. Inspective Regulation on Accountancy and Security of Specific Atomic Substances * The above applys to 1 – 19, 11, 12	X	Act for the Physical Protection and Radiological Emergency * The above applys to 1 – 19, 11, 12	
2 Measures to account for use	X		X		page 4 of the report
3 Measures to account for storage	X		X		
4 Measures to account for transport	X		X		
5 Other measures for accounting	X		X		
6 Measures to secure production	X		X		
7 Measures to secure use	X		X		
8 Measures to secure storage	X		X		page 4 of the report
9 Measures to secure transport	X		X		

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10 Other measures for securing					
11 Regulations for physical protection of facilities,materials, Transports	X		X		page 4 of the report
12 Licensing of nuclear installations /entities/use of materials	X		X		
13 Reliability check of personnel					
14 Measures to account for/secure/ physically protect means of delivery	X	Act on the Management of Military Supplies	X	Act on Special Measures for Defense Industry	page 5 of the report
15 National Regulatory authority	X	National Nuclear Management and Control Agency (NNCA)			page 4 of the report
16 IAEA Safeguards Agreements	X	1. Safeguards Agreement 1975 2. Additional Protocol ratified			pages 5, 8 and 9 of the report
17 IAEA Code of Condict on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG			http://www-ns.iaea.org/downloads/rw/mee http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
18 IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme			
19 Other Agreements related to IAEA	X	Act for the Physical Protection and Radiological Emergency / Enforcement Decree / Enforcement Regulation			
20 legislation/regulations related to nuclear materials including CPPNM					
21 Other					

OP 3 (c) and (d) and related matters from OP 6, and OP 10 – Controls of BW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and measures of implementation, etc	Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Border Control	X	Customs Act	X	Commissioner of the Customs to inspect and supervise importation and exportation of certain items	page 5 of the report
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		See "27. Others"		See "27. Others"	
4 Enforcement agencies/authorities	X	Customs Act	X	Customs, police, maritime police, immigration authorities	page 5 of the report
5 Export control legislation in place	X	1. Foreign Trade Act 2. Act on ACSC 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Act on ACSC 3. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report
6 Licensing provisions	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	

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7 Individual licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
8 General licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
9 Exceptions from licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
10 Licensing of deemed export/visa		See "27. Other"		See "27. Other"	
11 National licensing authority	X	Ministry of Commerce, Industry and Energy (MOCIE), Ministry of Science and Technology (MOST), Ministry of National Defense (MND)			page 6 of the report
12 Interagency review for licenses	X	Article 15, Integrated Public Notice on Export/Import of Strategic Items			page 6 of the report
13 Control lists	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. National legislation such as the Integrated Public Notice is incorporating the control items under NSG, AG, MTCR and WA; penalty clauses included 2. Listed items are linked with Harmonized Commodity Description and Coding System 3. See "27. Others"	pages 5 to 7 of the report
14 Updating of lists	X	Government updates the lists			page 7 of the report
15 Inclusion of technologies	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	
16 Inclusion of means of delivery	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	pages 5 to 7 of the report for military purposes

17 End-user controls	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report
18 Catch all clause	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Public Notice on Export/Import of Strategic Items	page 5 of the report
19 Intangible transfers		See "27. Other"			
20 Transit Control		See "27. Other"			
21 Trans-shipment control		See "27. Other"			
22 Re-export control	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
23 Control of providing funds					
24 Control of providing transport services					
25 Control of importation	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	page 5 of the report
26 Extraterritorial applicability					

27 Other		1. Amendment of the Foreign Trade Act in progress, including provisions on ITT/transit/trans-shipment/ brokering/deemed export and strenthening of penalty clauses 3. ROK is constructing a new export / import management system for strategic items, including: launch of Strategic Trade Information Center (STIC), which is in charge of pre-licensing, operation of information management system on strategic items, and promotion of corporate compliance program			page 6 of the report

OP 3 (c) and (d) and related matters from OP 6, and OP 10 – Controls of CW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and measures of implementation, etc	Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Border Control	X	Customs Act	X	Commissioner of the Customs to inspect and supervise importation and exportation of certain items	page 5 of the report
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		See "27. Others"		See "27. Others"	
4 Enforcement agencies/authorities	X	Customs Act	X	Customs, police, maritime police, immigration authorities	page 5 of the report
5 Export control legislation in place	X	1. Foreign Trade Act and its Enforcement Decree 2. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act and its Enforcement Decree 2. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report

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6 Licensing provisions	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
7 Individual licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
8 General licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
9 Exceptions from licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
10 Licensing of deemed export/visa		See "27. Other"		See "27. Other"	
11 National licensing authority	X	Ministry of Commerce, Industry and Energy (MOCIE), Ministry of Science and Technology (MOST), Ministry of National Defense (MND)			page 6 of the report
12 Interagency review for licenses	X	Article 15, Integrated Public Notice on Export/Import of Strategic Items			page 6 of the report
13 Control lists	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. National legislation such as the Integrated Public Notice is incorporating the control items under NSG, AG, MTCR and WA; penality clauses included 2. Listed items are linked with Harmonized Commodity Description and Coding System 3. See "27. Others"	pages 5 to 7 of the report
14 Updating of lists	X	Government updates the lists			page 7 of the report
15 Inclusion of technologies	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	

16 Inclusion of means of delivery	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	pages 5 to 7 of the report
17 End-user controls	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report
18 Catch all clause	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Public Notice on Export/Import of Strategic Items	page 5 of the report
19 Intangible transfers		See "27. Others"			
20 Transit Control		See "27. Others"			
21 Trans-shipment control		See "27. Others"			
22 Re-export control	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
23 Control of providing funds					
24 Control of providing transport services					
25 Control of importation	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	page 5 of the report
26 Extraterritorial applicability					

27 Other		1. Amendment of the Foreign Trade Act in progress, including provisions on ITT/transit/trans-shipment/ brokering/deemed export and strengthening of penalty clauses 3. ROK is constructing a new export / import management system for strategic items, including: launch of Strategic Trade Information Center (STIC), which is in charge of pre-licensing, operation of information management system on strategic items, and promotion of corporate compliance program			page 6 of the report

OP 3 (c) and (d) and related matters from OP 6, and OP 10 – Controls of NW including Related Materials

State: Republic of Korea

Date of Report: 27-Oct-04

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and measures of implementation, etc	Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Border Control	X	Customs Act	X	Commissioner of the Customs to inspect and supervise importation and exportation of certain items	page 5 of the report
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		See "27. Others"		See "27. Others"	
4 Enforcement agencies/authorities	X	Customs Act	X	Customs, police, maritime police, immigration authorities	page 5 of the report

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5 Export control legislation in place	X	1. Foreign Trade Act 2. Technology Development and Promotion Act 3. Atomic Energy Act 4. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Technology Development and Promotion Act 3. Atomic Energy Act 4. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report
6 Licensing provisions	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
7 Individual licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
8 General licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
9 Exceptions from licensing	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
10 Licensing of deemed export/visa		See "27. Others"		See "27. Other"	
11 National licensing authority	X	Ministry of Commerce, Industry and Energy (MOCIE), Ministry of Science and Technology (MOST), Ministry of National Defense (MND)			page 6 of the report
12 Interagency review for licenses	X	Article 15, Integrated Public Notice on Export/Import of Strategic Items			page 6 of the report
13 Control lists	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. National legislation such as the Integrated Public Notice is incorporating the control items under NSG, AG, MTCR and WA; penality clauses included 2. Listed items are linked with Harmonized Commodity Description and Coding System 3. See "27. Others"	pages 5 to 7 of the report

14 Updating of lists	X	Government updates the lists			page 7 of the report
15 Inclusion of technologies	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Technology Development and Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	
16 Inclusion of means of delivery	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Act on Special Measures for Defense Industry 2. Act on the Management of Military Supplies 3. Integrated Public Notice on Export/Import of Strategic Items	pages 5 to 7 of the report
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18 Catch all clause	X	Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Public Notice on Export/Import of Strategic Items	page 5 of the report
19 Intangible transfers		See "27. Others"			
20 Transit Control		See "27. Others"			
21 Trans-shipment control		See "27. Others"			
22 Re-export control	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	
23 Control of providing funds					
24 Control of providing transport services					

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25 Control of importation	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Interagred Public Notice on Export/Import of Strategic Items	page 5 of the report
26 Extraterritorial applicability					
27 Other		1. Amendment of the Foreign Trade Act in progress, including provisions on ITT/transit/trans-shipment/ brokering/deemed export and strenthening of penalty clauses 3. ROK is constructing a new export / import management system for strategic items, including: launch of Strategic Trade Information Center (STIC), which is in charge of pre-licensing, operation of information management system on strategic items, and promotion of corporate compliance program			page 6 of the report

OP 6,7 and 8 (d) – Control lists, Assistance, Information

Republic of Korea

State:
Date of Report: 27 October 2004

Can information be provided on the following issues?	YES		Remarks
1. Control lists – items (goods/equipment/materials/technologies)	X	Government reflects the control items under NSG, ZC, AG, MTCR and WA in nationa legislation and maintains and updates lists of controlled items for the sake of effective export controls	
2 Control lists – other	X	List items linked with Harmonized Commodity Description and Coding System	page 7 of the report
3 Assistance offered			page 6 of the report
4 Assistance requested			
5 Assistance in place (bilateral/plurilateral/multilateral)			
6 Information for industry	X	Government held conferences to explain export control system for strategic items to relevant enterprises and organizations and cohosted a seminar with the Korea page 9 of the report Bioindustry Association	page 9 of the report
7 Information for the public	X	Government continues to raise public awareness of theobligations set out in the international non-proliferation arrangements through seminars and news coverage	page 9 of the report

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